



ANTI-DUMPING NOTICE NO. 2016/115

Customs Act 1901 – Part XVB

Certain Hollow Structural Sections

Exported from the Kingdom of Thailand

Initiation of an accelerated review of anti-dumping measures relating to Thai Premium Pipe Co. Ltd.

I, Dale Seymour, the Commissioner of the Anti-Dumping Commission, have commenced an accelerated review of the anti-dumping measures, in the form of a dumping duty notice, applying to certain hollow structural sections (the goods) exported to Australia from the Kingdom of Thailand.

The application lodgement date of 19 October 2016 is the commencement date of this accelerated review.

1. The goods

The goods subject to the anti-dumping measures and this accelerated review are:

certain electric resistance welded pipe and tube made of carbon steel, comprising circular and non-circular hollow sections in galvanised and non-galvanised finishes. The goods are normally referred to as either CHS (circular hollow sections) or RHS (rectangular or square hollow sections). The goods are collectively referred to as HSS (hollow structural sections). Finish types for the goods include in-line galvanised (ILG), pre-galvanised or hot-dipped galvanised (HDG) and non-galvanised HSS.

Sizes of the goods are, for circular products, those –exceeding 21 mm up to and including 165.1 mm in outside diameter and, for oval, square and rectangular products those with a perimeter up to and including 1277.3 mm. Categories of HSS excluded from the goods are conveyor tube; precision RHS with a nominal thickness of less than 1.6 mm; and air heater tubes to Australian Standard (AS) 2556.

1.1 Tariff classification of the goods

The goods are currently classified to the following tariff subheading of Schedule 3 to the *Customs Tariff Act 1995*:

- 7306.30.00 (statistical codes 31, 32, 33, 34, 35, 36 and 37)
- 7306.61.00 (statistical codes 21, 22 and 25)
- 7306.69.00 (statistical code 10)

Goods exported from Thailand are not subject to Customs duty.

2. Background to the measures

The anti-dumping measures were imposed on the goods by public notice on 19 August 2015 by the then Parliamentary Secretary to the Minister for Industry following consideration of *Anti-Dumping Commission Report No. 254* (REP 254). Dumping duties are applicable to all exporters of the goods from Thailand.

3. Application for accelerated review

On 19 October 2016, Thai Premium Pipe Co Ltd lodged an application under subsection 269ZE(1) of the *Customs Act 1901* (the Act)¹ for an accelerated review of the dumping duty notice in relation to its exports of the goods exported to Australia from Thailand.

3.1 Compliance with section 269ZF

I consider that the application complies with the requirements of section 269ZF, in that the application is in writing, was lodged in a manner approved under section 269SMS and contains:

- a description of the goods to which the dumping duty notice relates; and
- a statement of the basis on which the applicant considers that the particular notice is inappropriate in so far as the applicant is concerned.

3.2 Compliance with section 269ZE

I have examined the application, information and evidence provided with the application and data obtained from the Australian Border Force import database to make my assessment under section 269ZE.

Evidence from these sources includes evidence showing that:

- the applicant is a new exporter as it did not export the goods at any time during the investigation period in relation to the original investigation and is not an exporter in respect of whom a declaration has already been made under subsection 269ZG(3)(b);
- the applicant's cooperation was not sought during the original investigation as it did not export during the investigation period, therefore it did not refuse to cooperate in relation to the original investigation; and
- there is no evidence to suggest that the applicant is related to an exporter whose exports were examined in the original investigation.

Consequently, I am satisfied that the circumstances in which an accelerated review can be sought under subsection 269ZE(1) have been met. I have therefore decided to *not reject* the application.

¹ Unless otherwise noted, all legislative references are to the *Customs Act 1901*.

4. Accelerated review

Pursuant to subsections 269ZG(1) and (2), no later than 100 days after the application is lodged, I must make a recommendation to the Assistant Minister for Industry, Innovation and Science and Parliamentary Secretary to the Minister for Industry, Innovation and Science (the Parliamentary Secretary)² that the dumping duty notice the subject of the application:

- a) remain unaltered; or
- b) be altered so as to apply to the applicant as if different variable factors had been fixed.

If recommending to the Parliamentary Secretary that different variable factors be applied to the applicant, I may propose that a different method of working out interim dumping duty apply to the applicant than the method which currently applies to the goods exported to Australia from Thailand, being the *ad valorem* duty method. The amount could be worked out in accordance with the combination of fixed and variable duty method, the floor price duty method, the fixed duty method, or the *ad valorem* duty method.

For the purposes of assessing this accelerated review, I will use the period from 1 October 2015 to 30 September 2016 to determine whether to recommend that the dumping duty notice insofar as it affects the applicant should be altered.

4.1 Public Record

There is no legislative requirement to maintain a public record for accelerated reviews. However, in the interests of transparency, a public record for this accelerated review has been opened and is accessible at www.adcommission.gov.au.

The public record will contain, among other things, a copy of the application and a copy of all submissions from interested parties.

Documents included in the public record may be examined at www.adcommission.gov.au or at the Commission office by contacting the case manager on the details provided below.

4.2 Lodgement of submissions

Interested parties are invited to lodge written submissions concerning this accelerated review.

The Commission's preference is to receive submissions via *email* to operations2@adcommission.gov.au.

² On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science. For the purposes of this decision the Minister is the Parliamentary Secretary to the Minister for Industry, Innovation and Science.

If email submission is not possible, the following alternatives are available:

- *mail:* The Director Operations 2
Anti-Dumping Commission
GPO Box 1632
MELBOURNE VIC 3001
- *fax:* +61 3 8539 2499

Interested parties wishing to participate in the accelerated review must ensure that submissions are lodged promptly. Where information in a submission is confidential, or that the publication of the information would adversely affect business or commercial interests, an interested party must:

- a. provide a summary containing sufficient detail to allow a reasonable understanding of the substance of the information that does not breach that confidentiality or adversely affect those interests, or
- b. satisfy me that there is no way such a summary can be given to allow a reasonable understanding of the substance of the information.

Submissions containing confidential information must be clearly marked "FOR OFFICIAL USE ONLY".

Interested parties must lodge a non-confidential version or a summary of their submission in accordance with the requirement above (clearly marked "PUBLIC RECORD").

4.3 Report to the Parliamentary Secretary

A recommendation to the Parliamentary Secretary will be made in a report on or before 27 January 2017.

The Parliamentary Secretary must make a declaration within 30 days after receiving the report or, due to special circumstances, such longer period as the Parliamentary Secretary considers appropriate.

5. Commission contact

Enquiries about this notice may be directed to the Case Manager on telephone number + 61 3 8539 2443 or email at operations2@adcommission.gov.au

Dale Seymour
Commissioner
Anti-Dumping Commission

31 October 2016